

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNETH V. AWE,

Petitioner,

v.

GRANT COUNTY COURT
OF WISCONSIN,

Respondent.

ORDER

14-cv-200-wmc
App. No. 15-1288

Petitioner Kenneth Valentine Awe filed a federal habeas corpus petition under 28 U.S.C. § 2254, challenging a 2006 felony conviction from Grant County, Wisconsin. He also sought relief from a detainer that has been lodged against him by state officials. On January 30, 2015, the court dismissed that petition, noting that any challenge to Awe's underlying conviction was barred by the governing statute of limitations. The court concluded further that Awe's challenge to the validity of his detainer has not yet been addressed by the Wisconsin Supreme Court and is unexhausted. Awe, who proceeds *pro se* and *in forma pauperis*, has now filed a notice of appeal.

Although Awe qualified as indigent in this case, the court cannot certify that the appeal is taken in good faith because it is obvious from the pleadings that the challenged conviction is stale and that Awe failed to exhaust available state court remedies as a prerequisite to federal habeas review. Accordingly, the court CERTIFIES that the appeal is not taken in good faith for purposes of Fed. R. App. P. 24(a)(3).

Although this court has certified that the appeal is not taken in good faith under Fed. R. App. P. 24(a)(3), Awe is advised that he may challenge this finding pursuant to Fed. R. App. P. 24(a)(5), by filing a separate motion to proceed *in forma pauperis* on

appeal with the Clerk of Court, United States Court of Appeals for the Seventh Circuit,
within thirty (30) days of the date of this order.

Entered this 2nd day of March, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge